

**Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Regular Meeting Minutes
May 21, 2014
7:30 PM**

1. Call to Order

Chairperson DiMura called the meeting to order at 7:34pm.

2. Open Public Meeting Act Statement

Chairperson DiMura read the Open Public Meeting Act Statement.

3. Roll Call

Upon the call of the roll the following members were present John Anello, Ron DiMura, Anthony Vietri, Phil Lopa, Joseph Waide, and Guy Hoyt.

Also present was Board Attorney Ms. Joan Dowling and Uzo Ahairakwe, Board Engineer.

4. Financial Disclosure Forms

Chairperson DiMura stated that the forms need to be filed on line by June 13, 2014.

5. Professional Contract

Member Hoyt made a motion to accept the Engineering contract of Cole and Associates, seconded by Member Lopa. Vote: Member Anello-yes, Member Hoyt-yes, Member DiMura-yes, Member Vietri- yes, Member Lopa- yes, Member Waide-yes. Motion approved.

6. Minutes

Member Anello made a motion to approve the minutes of March 5, 2014 meeting, seconded by Member Hoyt. Vote: All in favor. Motion passed.

Executive minutes from 2013 were tabled until the next meeting.

7. New Business

**Z2014-01
McDonald's
125 Bound Brook Rd.
Block 6 Lot 2 and 2A**

John Marmora from KL Gates, Newark stated that is representing McDonald's.

Mr. Marmora referenced Exhibit A1, poster board of a modern McDonald's.

Mr. Marmora explained where the location would be, that it is located in the GB (General Business) zone.

Mr. Marmora stated the LSR (Limited Service Restaurants) are permitted but only conditionally in the Ordinance; that there can't be another LSR within 1,500 linear ft.

Mr. Marmora stated that there is already a LSR located across the street referring to the Dunkin Donuts.

Mr. Marmora stated that the McDonald's is seeking a conditional use variance.

Member Lopa asked what is going to happen to the McDonald's located across the street from the High School.

Mr. Marmora stated that no decision has been made either way.

Ms. Dowling duly swore in Bradford Bohler of Bohler Engineering, 35 Technology Dr, Warren NJ.

The Board accepted Mr. Bohler's credentials.

Mr. Bohler referred to Exhibit A1 depicting a colorized elevation sheet of the property.

Mr. Bohler referred to Exhibit A2 drawing showing parking on east and south sides of property.

Mr. Bohler referred to the copy of the survey submitted with the packets showing Block 6 with lots 2 and 2A, McDonalds would be located in lot 2A.

Mr. Bohler stated that this property is in the GB zone, LSR (Limited Service Restaurants) are permitted as a conditional use but not within 1,500 feet of another LSR.

Mr. Bohler stated that the property has three access drives and the back portion of the driveway leads to Warrentville Rd.

Mr. Bohler started to review sheet 1 of 2 focusing on lot 2A showing how the property slopes, drains to the east, where the curb cuts are located.

Mr. Bohler referred to Exhibit A3 a colorized version of the site plan.

The colorized site plan shows the dark grey and dark yellow on the 3,800sq. ft. proposed McDonalds.

This McDonalds would have 47 seats and have a side by side drive-through.

Mr. Bohler stated that there would be no curb modifications and he has submitted the plans to the NJDOT for approval.

Mr. Bohler stated that customers would enter from the south west through a one way driveway then either park or use the drive-through

Mr. Bohler stated that the drive-through would have a clearance bar indicating the height.

Mr. Bohler stated that the customers would first see the presale menu, then an overhead canopy, a speaker box, pay window, then a pick up window.

Mr. Bohler explained the efficiency of the drive-through.

Mr. Bohler explained the stacking distance allows smaller orders to be done first.

Mr. Bohler stated that the speaker box volume is adjustable and will meet code.

Mr. Bohler stated that 13 vehicles can be in the drive-through without backing up traffic.

Member Lopa asked how far from Route 28 to the building it is.

Mr. Bohler stated that the distance is 55 ft. and one drive-through.

Chairperson DiMura stated that the vehicles are exiting the drive-through close to the doors of the Acme shopping market, and these vehicles would be turning left at the handicapped parking spot.

Mr. Bohler stated that the average McDonald's 60 to 70% use the drive-through and 35% eat in the restaurant.

Member Anello questioned the estimated time a vehicle would be in the drive-through.

Mr. Bohler stated that a vehicle would be about half a minute in the drive-through.

Member Anello stated that there would be a potential for 2 cars every minute through the drive-through.

Member Lopa questioned the peak time of McDonald's and the peak time for shopping at Acme, was concerned with having the Acme customers in the parking lot and the cars that are trying to leave the drive-through at the same time.

Mr. Bohler stated that by adding a crosswalk by the exit of the Acme would help with safety concerns.

Chairperson Dimura stated that there is the potential for lots of foot traffic not only from Acme but the surrounding apartment complexes.

Chairperson DiMura suggested turning the entire McDonald's building a half turn to the right to change the location of the drive-through.

Mr. Bohler stated that there is more control the way the McDonald's is set up now and had concerns over losing parking spots.

Chairperson DiMura stated that he was concerned with McDonald's traffic during peak times such as breakfast and lunch.

Chairperson Dimura suggested that the building be turned so the front of the McDonald's would be facing Warrenville Rd.

Mr. Bohler stated that would use too many parking spots.

Mr. Marmora referenced Exhibit A3 to clarify Chairperson DiMura's suggestion of turning the building clockwise and keeping the drive-through.

Mr. Bohler stated that the way the current building is configured this would affect the efficiency of the drive-through window.

The Board suggested that the entrance to the McDonald's be changed to the southerly side.

Board Members questioned the delivery times for the McDonald's.

Mr. Bohler stated that this is controlled by McDonald's and trucks would be entering at off peak hours.

Member Anello questioned the distance between the corner of the Acme to the gray stop bar near the McDonald's.

Mr. Bohler stated the distance was 48ft.

Board Members were concerned with the foot traffic through the parking lot to get to the dollar store.

Member Anello questioned if McDonald's would be paving the entire lot.

Mr. Bohler stated that he could only speak for the McDonald's portion.

Mr. Marmora stated that he could ask the owner of the property.

Member Anello questioned the volume of the drive-through speakers.

Mr. Bohler stated that the volume decreases automatically, this is a new feature.

Ms. Dowling questioned why did the McDonald's decide to put the restaurant in this quadrant of the lot.

Mr. Marmora stated that this is a separate lot.

The Board discussed the overall parking spaces for the Acme and McDonald's combined there would be a total of 142 parking spaces.

Ms. Dowling asked how about the current parking spaces for Acme and how many spaces Acme would have after the McDonald's is built.

Mr. Bohler stated that currently Acme has 131 parking spaces, and would have 126 parking spaces with the proposed plan.

Mr. Bohler stated that the McDonald's would have 16 parking spaces and the size of these spaces would be 10 x 18 ft.

The Board discussed the handicapped parking spaces, and the safety of the pedestrians in the parking lot.

Ms. Dowling duly swore in Paul Going, Traffic Engineer of Atlantic Traffic Design, 35 Technology Dr. Warren, NJ.

The board accepted Mr. Going's credentials.

Mr. Going heard the Board's concerns with the site.

Mr. Going stated that eleven vehicles can be in queue in the drive-through, that with the two menu boards the McDonald's can handle 75 to 100 customers per hour.

Mr. Going explained the traffic study that was conducted in 2011 and 2013 and the numbers regarding traffic in this area.

Board members raised concerns such as foot traffic in the parking lot and left turns, peak times for traffic, Dunkin Donuts traffic.

Board members questioned the hours of operation and the lighting of signage.

Board members questioned making the left hand turn out of the parking lot and how motorists drive through the parking lot to avoid the Warrenville traffic light.

Mr. Going stated that McDonald's has made an application to the NJDOT and with more activity it will make it less of a cut through parking area.

Joe Vargo, 105 Bound Brook Rd, owner of the Dollar Store next to Acme, stated that Acme gets deliveries from the Bound Brook side and that there is a weight limit on Warrenville Rd of 4 tons.

The Board reviewed Acme's loading dock area on the site plan.

Mr. Marmora stated that McDonald's would revise plans regarding ADA parking spaces, add a crosswalk on plans, and other site plan issues that were raised.

Mr. Marmora stated that the D3 variance dealing with the proximity of LSR (Limited Service Restaurant) across the street needed to be addressed before his client would revise the site plan.

Chairperson DiMura took a straw poll regarding this issue, with Board members agreeing that the proximity was not an issue.

The application would be carried to a July date.

Chairperson DiMura opened the meeting to the public.

Joe Vargo, 105 Bound Brook Rd of Dollar Store stated his concerns with the drainage on the site and the curbing. Mr. Vargo stated that he was in favor of the McDonald's.

The applicant requested an adjournment of the application due to several issues with the site plan which they wanted to address further.

The application was carried to the July 16, 2014 meeting date.

Member Lopa questioned the waiver of the survey.

Mr. Marmora stated that the survey would be recertified.

8. Board Member Comments

Ms. Dowling stated that 900 South Ave vs. Middlesex Board of Adjustment had been resolved. Ms. Dowling stated 900 South Ave LLC withdrew their complaint.

9. Correspondence

Chairperson DiMura read the letter from Mikalya 99 Lincoln Blvd withdrawing their application.

There being no further business Member Lopa made a motion to adjourn the meeting at 9:45 pm, seconded by Member Vietri. Vote: All in favor. Meeting adjourned.

Secretary

Clerk